

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT SPRUILL,	:	
Plaintiff,	:	
v.	:	Civil Action No. 99-37J
FREDRIC ROSEMEYER, JAMES	:	
HENDERSON, DAVID PITKINS, D. W.	:	
MYERS, DUANE ANDERSON, JOHN	:	
PAUL, ROBERT BITNER, KERRI	:	
CROSS,	:	
Defendants	:	

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

On August 29, 2006, the Magistrate Judge filed a Report and Recommendation, docket no. 100, recommending that the defendants' motion for summary judgment, docket no. 82, be granted.

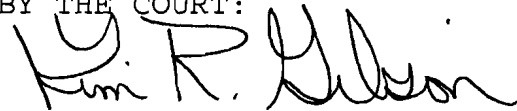
The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. Plaintiff filed timely objections, docket no. 101, asserting that there is an issue of fact as to whether his letter was a petition under Pennsylvania Department of Corrections rules. Since the issue properly is whether plaintiff engaged in group action, which a prison can prohibit, the objection does not raise an issue of material fact.

After de novo review of the record of this matter together with the Report and Recommendation, and the objections thereto, the following order is entered:

AND NOW, this 26th day of September, 2006, it is

ORDERED that, defendants' motion for summary judgment, docket no. 82, is granted. The Report and Recommendation is adopted as the Opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", is written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to:

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